

June 2004

Update: Traffic Benchbook— Revised Edition, Volume 2

CHAPTER 2

Procedures in Drunk Driving and DWLS Cases

2.2 Police Authority to Arrest Without a Warrant

E. Defendant Rights at Arrest

2. Sixth Amendment Right to Counsel

Add the following language to the July 2003 update to page 2-9:

The Michigan Supreme Court vacated the Court of Appeals decision discussed above and remanded the matter for the Court's consideration of the defendant's remaining claim. *People v Fett*, 469 Mich 907 (2003). On remand, the Court of Appeals concluded that the defendant's remaining claim* did not merit reversal and affirmed her conviction. *People v Fett (On Remand)*, ___ Mich App ___ (2004).

*The defendant challenged the propriety of admitting certain evidence during cross-examination of the defendant's expert witness.